

19.08.2025

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jb.
jdt.

C.R.M. (M) 1028 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Patashpur Police Station Case No. 375 of 2023 dated 07.08.2023 under Sections 147/148/149/447/448/323/325/302/506 of the Indian Penal Code.

And

In Re : **Amal Kumar Barman @ Amal Barman**

... Petitioner.

Mr. Sourav Mondal
Mr. Archan Dutta
Ms. Megha Dutta
Mr. A. Bhunia

... For the Petitioner.

Mr. Dhruv Surana

... For the Defacto Complainant

Mr. Koushik Kundu
Mr. Atanu Ghosh

... For the State

The petitioner is in custody for about 2 years and renews his prayer for bail for the third time. Learned counsel for the petitioner submits that the petitioner is a septuagenarian person and has been falsely implicated. Allegations against him are general and omnibus and no specific overt act has been attributed to him.

Learned counsels for the State and the defacto complainant oppose the prayer.

Learned counsels submit that the other co-accused were granted bail by this Court earlier. The said order was assailed by the defacto complainant before the Hon'ble Supreme Court and by an order passed on 3rd January, 2025 their bail was cancelled and they were directed to surrender within two weeks from the said date. Since the accused failed to comply with the order of the Hon'ble Supreme Court, trial was delayed to some extent.

I have considered the material on record.

It appears that the petitioner along with others assaulted the victim on a previous occasion for which FIR was lodged. After being released on bail in the said case, the petitioner and others barged into the house of the victim and assaulted him mercilessly. The victim succumbed to the injuries sustained by him. The offending weapons were recovered pursuant to the leading statement of the petitioner and the co-accused. The statements of witnesses prima facie demonstrate active involvement of the petitioner in the alleged crime. In the event the petitioner is granted bail at this stage, chance of his committing similar offence cannot be ruled out.

Considering the gravity of the offence and prima facie involvement of the petitioner therein, the prayer for bail is rejected at this stage.

However, learned trial Court is directed to conclude the trial without granting any unnecessary adjournment to either of the parties.

It is expected that the learned trial Court shall take necessary steps for securing the attendance of the absconding accused in order to expedite the trial.

The application for bail is disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)

